

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 05-10218-RCL
)	
JESSE WILSON)	
)	
)	

GOVERNMENT'S MOTION TO EXCLUDE TIME
FROM FEBRUARY 7 THROUGH FEBRUARY 22, 2006

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, and Assistant U.S. Attorney Mark J. Balthazard, hereby moves that this Court enter an Order excluding the period of time between and including February 7, 2006 and February 22, 2006, from the computation of the time within which a trial must be held in this matter pursuant to the Speedy Trial Act, 18 U.S.C. § 3161©. As grounds for this motion, the government states as follows:

The first pre-trial conference had been scheduled for February 8, 2006. On February 7, 2006, defendant Wilson filed a motion to continue the pre-trial conference on the grounds that his attorney had three trials scheduled on February 8 in New Hampshire. In Wilson's motion, it is stated that Wilson was aware of the motion to continue and that Wilson also waived his speedy trial rights. The government assented to the motion and it was allowed on February 8. On February 8, the Court set February 22, 2006 as the new date for the pre-trial conference.

The government therefore moves to exclude the period of the continuance from the running of the Speedy Trial Act, which period Wilson waived in his motion to continue. Given that the continuance was at the request of the defendant, excluding this time period serves the ends of justice.

The government also seeks to exclude the period from the time of the filing of Wilson's Motion to Continue on February 7, 2006, until the motion was acted on by the Court on February 8, 2006. That time is excludable, pursuant to 18 U.S.C. §3161(h)(1)(F), because it involves "delay resulting from any pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion."

For all the above reasons, the government requests that the Court enter an Order excluding the time period set forth above from the computation of the time within which a trial must be held in this matter under 18 U.S.C. §3161(c).

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/ Mark J. Balthazard
MARK J. BALTHAZARD
Assistant U.S. Attorney

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 9, 2006.

/s/ Mark J. Balthazard
MARK J. BALTHAZARD
Assistant U.S. Attorney

So Ordered, this ____ day of _____, 2006

REGINALD C. LINDSAY
United States District Judge